

AMENDED IN SENATE JULY 2, 1997  
AMENDED IN ASSEMBLY MAY 12, 1997  
AMENDED IN ASSEMBLY APRIL 28, 1997  
AMENDED IN ASSEMBLY MARCH 31, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 466**

**Introduced by Assembly Member Campbell**

February 24, 1997

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An act to add and repeal Section 149.4 of the Streets and Highways Code, and to add and repeal Section 21655.10 of the Vehicle Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

AB 466, as amended, Campbell. Orange County Transportation Authority: preferential vehicle lanes.

(1) Existing law authorizes the Department of Transportation to construct exclusive or preferential lanes under specified conditions.

This bill would authorize the Orange County Transportation Authority to conduct, administer, and operate a congestion pricing and transit development demonstration program on a specified section of State Highway Route 91, including the use for a toll of high-occupancy vehicle lanes by vehicles with less than the minimum number of passengers otherwise required to lawfully use the lanes. The bill would authorize the authority, with the approval of the Department

of Transportation, to enter into agreements with private entities, and to define vehicle occupancy requirements and set and impose tolls for use of HOT lanes. The bill would require the department to conduct an audit regarding the level of service and require the authority to report to the department and the Legislature, as specified. The bill would provide for the disbursement of the revenues collected from the tolls and would make conforming changes.

The bill would prohibit any person from driving a vehicle in an established HOT lane with less than the number of passengers otherwise required in order to lawfully use that lane, unless the applicable toll has been paid. Because under existing law a violation of that provision would be a crime, this bill would impose a state-mandated local program by creating a new crime. The bill would specify the provisions that apply and those that do not apply to established HOT lanes.

These provisions would remain in effect only until January 1, 2005, unless that date is deleted or extended by a later enacted statute.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 149.4 is added to the Streets and  
2 Highways Code, to read:  
3 149.4. (a) Notwithstanding Sections 149 and 30800,  
4 the Orange County Transportation Authority may  
5 conduct, administer, and operate a congestion pricing  
6 and transportation development demonstration program  
7 on Route 91 between Route 55 and the Los Angeles  
8 County line. The program may authorize the imposition  
9 of a toll for the entry and use of the Route 91  
10 high-occupancy vehicle lanes by vehicles with less than

1 the number of passengers otherwise required to lawfully  
2 use the lanes. These lanes shall be known as  
3 high-occupancy toll (HOT) lanes.

4 (b) *HOT lanes implemented under this section shall*  
5 *enhance public use of improvements funded, in part, by*  
6 *the authority or private sources.* To further the purposes  
7 of subdivision (a) and notwithstanding Section 143, the  
8 authority may, with the approval of the department,  
9 obtain bids ~~and~~ or proposals and enter into agreements  
10 with private entities to undertake all or a portion of the  
11 program, including planning, design, development,  
12 financing, installation, construction, improvement, or  
13 operation, or any combination of those, using in whole or  
14 in part, private ~~sources of financing.~~ ~~HOT lane projects~~  
15 ~~implemented under this section shall not reduce, below~~  
16 ~~the number existing on January 1, 1997, the number of~~  
17 ~~state-owned general purpose lanes in the project~~  
18 ~~corridor.~~ *sources of financing.*

19 (c) The authority, with approval of the department,  
20 shall define the vehicle occupancy requirements and  
21 other conditions for the use of the HOT lanes by  
22 high-occupancy vehicles. The travel-time level of service  
23 shall be maintained at the level of high-occupancy vehicle  
24 lanes within the district as determined by the  
25 department. Unrestricted access to the lanes by  
26 high-occupancy vehicles shall be available at all times. At  
27 least annually, the department shall audit the level of  
28 service during peak traffic hours.

29 (d) The authority, with approval of the department,  
30 shall set and impose tolls for the use of HOT lanes  
31 constructed by it or a contracting private entity.

32 (e) Net revenues from tolls in excess of costs, shall  
33 accrue to the authority and *may* be used for  
34 reimbursement to state agencies, including, but not  
35 limited to, the Department of the California Highway  
36 Patrol, ~~for services rendered and for transportation~~  
37 ~~development, with preference given to maintenance,~~  
38 ~~improvements, and the Department of Transportation,~~  
39 ~~for demonstration program services rendered and for~~  
40 ~~transportation development with preference given to~~

1 *improvements* and transit operation in the Route 91  
2 corridor.

3 (f) The department shall maintain the rights-of-way  
4 and the Department of the California Highway Patrol  
5 shall enforce the operation of vehicles on the HOT lanes  
6 projects in conjunction with the nonproject portions of  
7 State Highway Route 91.

8 (g) Upon commencement of operation of the  
9 program, the authority shall, on or before January 1 of  
10 each year, submit a report to the department and the  
11 Legislature regarding revenues and costs and  
12 expenditure of net revenues.

13 (h) *Prior to commencing the program, the authority*  
14 *shall define, to the extent practicable, baseline travel*  
15 *conditions on Route 91. Once HOT lanes are established,*  
16 *the authority shall, at least annually, evaluate and report*  
17 *its findings to the department regarding changes in those*  
18 *baseline conditions.*

19 (i) This section shall remain in effect only until  
20 January 1, 2005, and as of that date is repealed, unless a  
21 later enacted statute that is enacted on or before January  
22 1, 2005, deletes or extends that date.

23 SEC. 2. Section 21655.10 is added to the Vehicle Code,  
24 to read:

25 21655.10. (a) No person shall drive a vehicle in a  
26 high-occupancy toll (HOT) lane established pursuant to  
27 Section 149.4 of the Streets and Highways Code, with less  
28 than the number of passengers otherwise required in  
29 order to lawfully use that lane, unless the applicable toll  
30 has been paid.

31 (b) Sections 21655.5 and 21655.8 apply to HOT lanes  
32 and Section 23302 does not apply to those lanes.

33 (c) This section shall remain in effect only until  
34 January 1, 2005, and as of that date is repealed, unless a  
35 later enacted statute that is enacted on or before January  
36 1, 2005, deletes or extends that date.

37 SEC. 3. No reimbursement is required by this act  
38 pursuant to Section 6 of Article XIII B of the California  
39 Constitution because the only costs that may be incurred  
40 by a local agency or school district will be incurred

1 because this act creates a new crime or infraction,  
2 eliminates a crime or infraction, or changes the penalty  
3 for a crime or infraction, within the meaning of Section  
4 17556 of the Government Code, or changes the definition  
5 of a crime within the meaning of Section 6 of Article  
6 XIII B of the California Constitution.

7 Notwithstanding Section 17580 of the Government  
8 Code, unless otherwise specified, the provisions of this act  
9 shall become operative on the same date that the act  
10 takes effect pursuant to the California Constitution.

